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Los Angeles Co.

ANNUAL REPORT

PUBLIC DEFENDER OF LOS ANGELES COUNTY

ELLERY E. CUFF

PUBLIC DEFENDER

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July 1, 1958 to June 30, 1959

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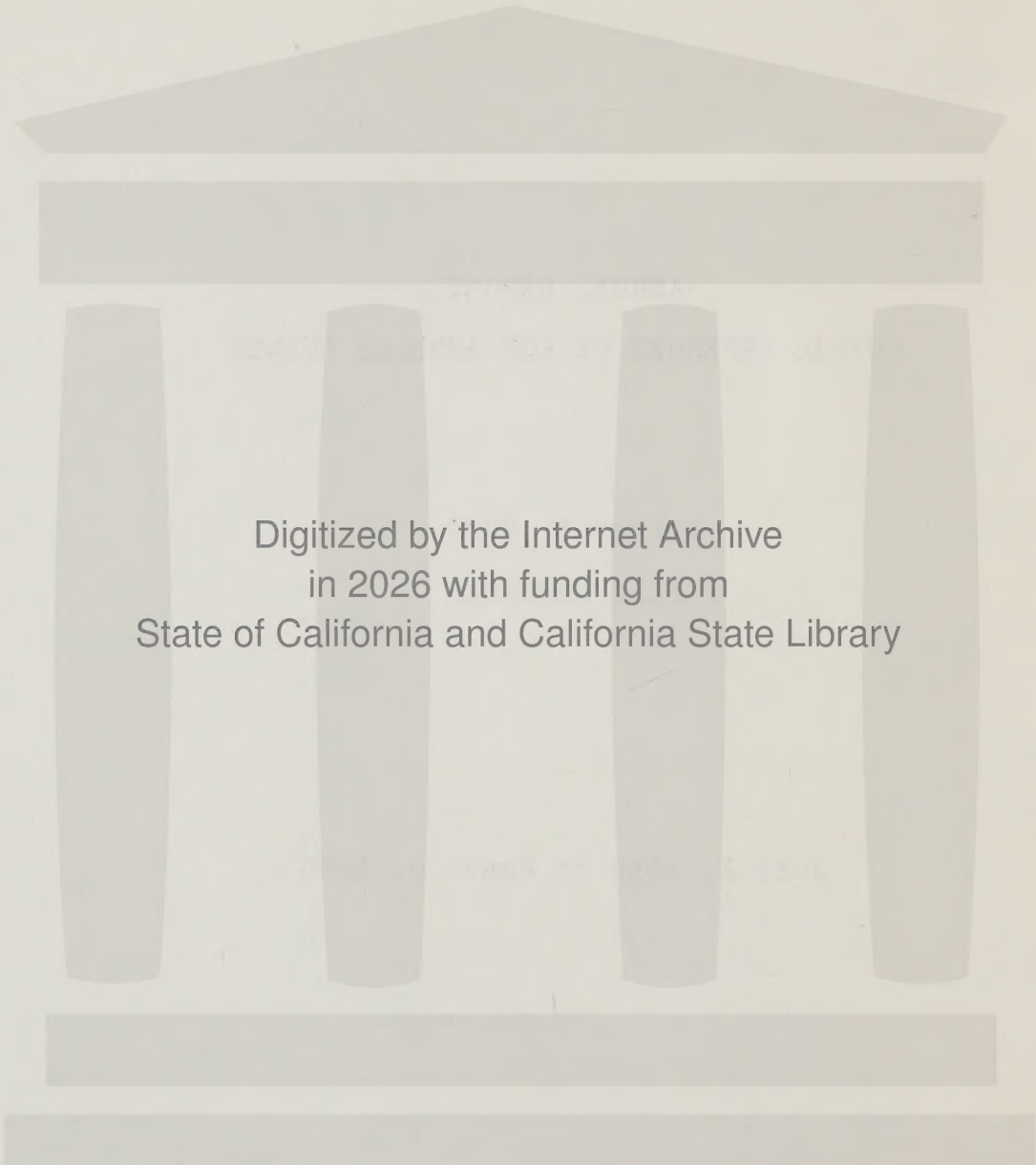

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ANNUAL REPORT FOR THE FISCAL YEAR 1958-59

LOS ANGELES COUNTY PUBLIC DEFENDER

The office of the Public Defender of the County of Los Angeles serves over five and three-quarter million people. The population is steadily increasing, thus bringing additional work. The work load does not uniformly parallel the population as it increases from month to month, or even year to year, but over the years does follow the population trend. Including all items, preliminary hearings, violation of probation hearings, sex psychopath hearings, etc., the figures for the following fiscal years will illustrate the intake of work in the criminal division:

1956-57 - 10,878 *cases

1957-58 - 14,280 "

1958-59 - 18,937 " (period covered in current report)

The data from 1956-57 is of some significance in that it reveals the annual rate the increase of work developed. The figure for 1958-59 includes the preliminary hearings held within the City of Los Angeles. This facet of the work was taken over from the city January 2, 1959. The number of preliminaries arising in the City of Los Angeles

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*The term "cases" as used herein is applied much as one would expect in a private attorney's office. Having been appointed (or otherwise brought in) to represent a defendant, it is denoted as "one case" through to termination, even though it may entail many interviews and numerous court appearances.

is slightly more than county preliminaries, but as the months advance there is evidence indicating the number of county preliminaries is approaching the city preliminaries. Thus, for practical purposes, one can say they are about even.

Percentagewise, as related to the number of criminal cases filed by the District Attorney and the Grand Jury, it is believed the ratio of cases handled by the office remains about the same as in former years.

There were 110 cases which, for legal reasons, the Public Defender could not represent and the court appointed private counsel under Section 987a of the Penal Code.

JURISDICTION AND DUTIES - CRIMINAL:

The right of a person accused of a criminal offense to be represented by counsel is one of our guarantees that such person shall not be denied a fair trial. This is contained in our fundamental law, the United States Constitution and the Constitution of California. The right to counsel in criminal cases is one of which the court must inform the accused. Section 987, California Penal Code. The Los Angeles County Charter provides for the Public Defender to represent persons accused of any criminal offense triable in the Superior Court who are financially unable to employ counsel. The state law (Section 27706, California Government Code) has enlarged this to include "at all stages of the proceedings, including the preliminary examination."

Section 5054 of the Welfare and Institutions Code provides that in proceedings against the mentally ill the Public Defender may be appointed. Section 5511 of the same code provides that upon court order the Public Defender shall represent persons in sex psychopathy proceedings.

Section 4852 of the Penal Code provides that the Public Defender shall represent persons seeking a pardon and restoration of civil rights, who have been convicted of a felony and served a term of imprisonment.

The county charter and state law, in identical terms, provide that the Public Defender shall prosecute all appeals to a higher court or courts of a person who has been convicted, where, in his opinion, such appeal will or might reasonably be expected to result in a reversal or modification of such judgment of conviction.

JURISDICTION AND DUTIES - CIVIL:

By charter and the state law it is the duty of the Public Defender to handle certain limited civil cases for indigent persons, namely, collect wages and other claims where the amount involved is $100 or less, and also to represent such persons when it appears they are being persecuted or unjustly harassed. He also has authority to appeal civil cases to the proper appellate court when, in his judgment, errors have occurred in the trial court resulting in a miscarriage of justice.

PERSONNEL:

The office, at the start of the fiscal year embraced the Public Defender, Chief Deputy and thirty-three Deputies. Because of the upsurge in the case load soon after the fiscal year began and the taking over of Los Angeles City preliminary hearings, it was necessary to employ ten additional Deputies. All but three of the Deputies are assigned to the handling of criminal cases. Those three Deputies are assigned to matters within the civil jurisdiction of the office.

The office has an investigation staff of seven--one Chief Investigator, one Senior Investigator and five Investigators. The clerical staff consists of one Senior Secretary, four Legal Secretaries, one Senior Stenographer, two Intermediate Stenographers and one Stenographer.

LOCATION:

The main office of the Public Defender is located in the Hall of Justice, in the Civic Center of Los Angeles. Branch offices are maintained in Long Beach and Santa Monica to serve the people and the departments of the Superior Court in those sections of the county. The Long Beach office is staffed with three Deputies and one Legal Secretary. The Santa Monica office is staffed with two Deputies and one Legal Secretary. The criminal departments of the Superior Court functioning in Pasadena, Pomona and Inglewood are served by Deputies working out of the main office.

During the fiscal year a Superior Court department was established at Inglewood to handle cases arising in the South Bay and adjacent areas. The magnitude of work indicates the necessity of creating a branch office there and because of the large area to be covered in that district it will take two Deputies, a Legal Secretary, and perhaps an Investigator to handle the work.

FUNCTIONS:

The work as it relates to the criminal phase--preliminary examinations, arraignments, pleas, trials, probation hearings, violation of probation hearings, and modifications of probation, appeals, etc.--seems to be pretty well known.

As to the functions of the office in the civil division, this is the less spectacular phase of the work but nonetheless it is important both from the viewpoint as to the rights of the individual involved and indirectly as it affects county government expenditures. The greater portion of the accepted cases involve the release of wages from attachment. Releasing the wages, which may be wrongfully attached, of the head of a family otherwise destitute helps the family and frequently keeps them from being forced to apply for assistance from the county or from some charitable institution.

The office exercises extreme care that none but those properly eligible for legal assistance are accepted. Those who are not eligible are referred to some other proper agency or to private attorneys.

INVESTIGATORS:

The work of the investigation staff is confined almost exclusively to the criminal jurisdiction of the office. The Investigators' duties are comparable to those of investigators in any private law office or the District Attorney's office--locating witnesses and making field investigations of cases assigned to them by the trial deputies. The policy of the office is to investigate thoroughly and ascertain the true facts, regardless of whether it proves favorable or unfavorable to the accused. This phase of the work of the office has resulted in substantial economies evidenced by the number of dismissals and trials avoided. In many instances unimpeachable evidence was discovered showing the complete innocence of the defendants although at first the evidence appeared strong against them. This frequently leads to dismissals. On the other hand, the facts brought to light by the same type of investigation have been instrumental in bringing about a substantial number of pleas of guilty in proper cases. But it should be borne in mind the purpose of the office is not to obtain a record of guilty pleas but rather to insure, insofar as possible, the prevention of miscarriages of justice, to protect innocent persons from being erroneously convicted, and to insure that no one is in greater danger of being unjustly dealt with because of his indigency. The staff was severely handicapped in that personnel has not kept pace with the increased work load.

COMPOSITE STATISTICAL RECORD
OF CRIMINAL WORK OF OFFICE
July 1, 1958 to June 30, 1959

NUMBER OF NEW CASES RECEIVED

	Los Angeles	Pasadena	Pomona	Inglewood	Santa Monica	Long Beach	Total
Felonies	6,183	395	428	308	474	731	8,519
Contributing	30						30
Civil Insanity	259						259
Violations of Probation	1,035	64	64	23	115	168	1,459
*Miscellaneous Proceedings	1,198	6	10	1	19	21	1,255
Preliminary Hearings	7,405						7,405
	16,110	465	502	332	608	920	18,937

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*Detail of Miscellaneous Proceedings:

Civil insanity petitions	664						664
Fugitive warrants	232						232
Present sanity	55					1	56
Probation and sentence	38	2	3	1	5	1	50
Modifications of probation	24	2	4		4	5	39
Sex psychopaths	110					1	111
Sex psychopaths returned	36	2	3		8	11	60
Youth Authority dismissals	15						15
Habeas corpus writs	5				1		6
Juvenile petitions	9						9
Motions	1				1	1	3
Miscellaneous	9					1	10
	1,198	6	10	1	19	21	1,255

COMPOSITE STATISTICAL RECORD
OF CRIMINAL WORK OF OFFICE
July 1, 1958 to June 30, 1959

(continued)

REHABILITATION PROCEEDINGS (all courts):	
Initiated	112
(This pertains to new cases opened, some of which (because of peculiar legal requirement) will have to be kept open and carried for eight years or more.)	
UNFINISHED CASES (all courts):	
Pending 7-1-58 and finished during current year	1,244
UNFINISHED CASES (all courts):	
Pending 6-30-59	1,206
APPEALS	13
Number of people interviewed in office on criminal matters	6,271

CIVIL JURISDICTION
July 1, 1958 to June 30, 1959

Applications in which advice was given:		
Los Angeles	7,398	
Long Beach	978	8,376
Applications rejected:		
Refused:		
Los Angeles	174	
Long Beach	50	224
Referred to attorneys:		
Los Angeles	2,801	
Long Beach	67	2,868
*Applications referred to other agencies and unclassified:		
Los Angeles	5,002	
Long Beach	74	5,076
Accepted cases (see next table):		
Los Angeles	2,436	
Long Beach	229	2,665
		19,209

*Because the subject matter was not within the office jurisdiction; applicants not interviewed as no deputy available.

DETAIL OF ACCEPTED CASES

Illegal attachments - garnishments:		
Los Angeles	1,265	
Long Beach	193	1,458
Wage claims and miscellaneous:		
Los Angeles	307	
Long Beach	36	343
Persecutions - other than exemptions and invalid assignments:		
Los Angeles	65	
Long Beach	-	65
Guardianships:		
Los Angeles	320	
Long Beach	-	320
Waivers of premarital test:		
Los Angeles	479	
Long Beach	-	479
		2,665

CIVIL JURISDICTION
July 1, 1958 to June 30, 1959

(continued)

Wages released from illegal attachments - garnishments:		
Los Angeles	$61,799.98	
Long Beach	9,689.40	$71,489.38
Defense in civil cases:		
Los Angeles	$ 2,065.97	
Long Beach	-	2,065.97
Miscellaneous items:		
Los Angeles	$ 9,252.12	
Long Beach	-	9,252.12
Collected on cases pending 7-1-58		5,637.20
		$88,444.67

Appearances in court on civil cases	742

INVESTIGATION DIVISION

July 1, 1958 to June 30, 1959

	1956-57	1957-58	1958-59
Field investigations	751	1,046	1,956*

The above figures represent the actual investigations in which a report of investigation was written. The field investigation figures given multiplied by six will give the approximate number of field interviews.

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*CHARGED INVESTIGATED

Robbery	168	Abortion	2
Att. Robbery	12	Perjury	4
Murder	46	286 P.C.	3
Att. Murder	4	Pimping	2
Grand Theft	94	Narcotics	310
Grand Theft/Person	27	Forgery	295
Att. Grand Theft	18	Checks NSF	177
Petty Theft	20	Receiving Stolen Property	2
Burglary	315	Escape	16
Att. Burglary	11	ADW/Murder	31
Burglary/Grand Theft	18	501 V.C.	30
Manslaughter	13	480 V.C.	23
Assault/Deadly Weapon	78	503 V.C.	25
Assault/Force	12	273d P.C.	6
Assault/Rape	9	Miscellaneous	30
Rape	70	Civil	18
Att. Rape	10	Arson	8
288 and 288a P.C.	108	Bookmaking	3
Contrib. to del. minor	1	Violation of Probation	2
Kidnap	8	Extortion	1
Kidnap/Robbery	16		
		Total charges investigated	1,956

FINANCIAL REPORT
OF
PUBLIC DEFENDER OF LOS ANGELES COUNTY

July 1, 1958 to June 30, 1959

MONEY RECEIVED

Total amount of moneys collected and received for and on behalf of the persons represented by the Public Defender under the law. Said moneys were collected from claimants for costs and from defendants indebted to said persons so represented:	$965.57

MONEY EXPENDED

Total Salaries	$509,789.85
Total Maintenance & Operation	18,097.96
Total Capital Outlay	1,970.97
	$529,858.78

LITHOGRAPHED BY COUNTY OF LOS ANGELES
CENTRAL DUPLICATING BUREAU
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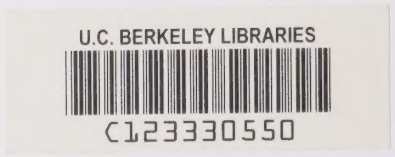

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